IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA
UNITED STATES OF AMERICA

United States of America,
Ex Rel. Dale Thomas Vosika
and Rob Thompson,

Plaintiffs,

vs.

Starkey Laboratories, Inc.,

Defendant.

Case No. 01-709 DWF/SRN

DEFENDANT'S MOTION TO DISMISS PURSUANT TO RULE 12(b)(6)

ORAL ARGUMENT REQUESTED

TO: Plaintiffs above-named, by and through their attorney of record, Robert J. Hajek, Esq., Warchol, Berndt & Hajek, 3433 Broadway Street, N.E., Suite 110, Minneapolis, MN 55413-1738:

MOTION

Defendant moves this Court, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, for an Order dismissing the Plaintiffs' Complaint against Defendant. This motion is based upon Fed. R. Civ. P. 12(b)(6), and upon the files, records and proceedings herein, and upon the legal memoranda and any affidavits to be submitted by the parties, as well as the arguments of counsel at the motion hearing.

HALLELAND LEWIS NILAN SIPKINS & JOHNSON, P.A.

Dated: June 1, 2004.

By: s/Janice M. Symchych
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